

ARTICLE DB COMMUNITY PRESERVATION PROGRAM –
(Two-Thirds Vote) OPEN SPACE ACQUISITION

To see if the Town will vote to:

(a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, and to accept a deed of fee simple interest in a portion of the real property depicted on Assessors' Map D-3 as Parcel 10, consisting of approximately 20.68 ± acres of open space for conservation purposes under M.G.L. c. 44B, the Community Preservation Act;

(b) to appropriate the purchase price and all necessary and appropriate transaction costs for said purchase including, without limitation, costs for due diligence, legal services, bonding, **conservation restriction and its monitoring and enforcement**, and other transaction, acquisition and related costs;

(c) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance **an amount not to exceed \$ [redacted], or some other greater or lesser amount**, consistent with this article;

(d) authorize the treasurer, with the approval of the Selectmen, and pursuant to the favorable recommendation of the Community Preservation Committee, to borrow **for a repayment term of not less than 15 years an amount not to exceed \$ [redacted], or some other greater or lesser amount**, as authorized under the Community Preservation Program pursuant to M.G.L. c. 44B, § 11, and to transfer, appropriate and expend said amount consistent with this article;

(e) raise, appropriate, transfer from available funds or accept gifts and grants of such additional funds as are necessary to accomplish the purposes of this article;

(f) authorize the Selectmen and the Conservation Commission to submit on behalf of the town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition, and to transfer, appropriate and expend any said amount so received consistent with this article;

(g) authorize and direct the Board of Selectmen to impose a perpetual Conservation Restriction on the open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Selectmen may determine (the "Conservation Land");

(h) authorize and direct the Board of Selectmen in accordance with M.G.L. c. 44B, § 12(b), to delegate the management of the Conservation Land to the Conservation Commission subject to the perpetual Conservation Restriction as aforesaid; and

(i) to authorize the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

or take any other action relative thereto.

SUMMARY

With this article the Community Preservation Committee recommends that the Town acquires 20.68 ± acres of open space located at the corner of Arlington Street and Newtown Road for conservation purposes and authorizes the borrowing for the cost of this acquisition. The subject land is (insert description and value). This recommendation is conditioned on the Town imposing a perpetual Conservation Restriction on the land and placing it under the care and protection of the Town of Acton Conservation Commission.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631

Selectman assigned: David Clough: bos@acton-ma.gov / (978) 929-6611

Recommendations: **Board of Selectmen** **Finance Committee**